

CLARIFYING CONGRESSIONAL  
INTENT

Mr. PRYOR. Mr. President, I come to the floor today to talk about CPT Samson Luke, 33 years old, who lived in Greenwood, AR.

Captain Luke was one of those people who had many options in life. Fortunately for us, he made the decision to serve his country, and he did so with distinction. He was a field artillery officer who served on active duty in the Army from 2000 to 2007. Afterwards, he served in the Arkansas National Guard where he was a commander of the HHB 1-142nd field artillery. Here is a photo of him with his family. His family was very important to him.

He had been to Iraq on two different deployments, after which he was awarded the Bronze Star. As I said, he elected to stay on with the Arkansas National Guard. He served with distinction there. He told his wife, who is pictured here, that he felt he was truly at his best when he was leading men.

I want to talk about him for a moment because, quite frankly, the bean counters over at the Pentagon are trying to save a little money at his family's expense. So I want to talk about his passing away on January 10 of 2010—less than a year ago. It was a weekend where he was doing his required training weekend. He was authorized, because he lived so close to the post, to spend Saturday night with his wife and his four young children at his home instead of staying on the post. In fact, he wasn't authorized to stay on the post because he was so close to home. He had to be off post. The idea was he would return to the post the next morning and finish up his weekend on that Sunday, but he never woke up. While dealing with this tragedy, his wife was informed that her family would not receive his death benefits. From my standpoint, this is a classic case of getting pencil whipped by the government.

The Arkansas National Guard has stepped up. They have done everything they could do. They have run it through all the proper channels. They have been very supportive of making sure that Captain Luke's family gets his death benefits. I feel as though—and people in the Guard do as well—that they are entitled to have the death benefits, but it is out of their hands. The law states that death benefits are allocated if a soldier dies while remaining overnight at or “in the vicinity of the site of the inactive duty training.”

What I want to do with my amendment I am offering through the Defense authorization bill is clarify Congress's intent and make sure that the very tiny number of people who are in his shoes and his family will be entitled to these death benefits.

I spent a year working on this issue with the Army and with the Department of Defense and, again, the Arkansas National Guard has stepped up and they have been great, but we are at a

standstill over the DOD's interpretation of “vicinity.”

This is an important point that I want my colleagues to understand: Had Captain Luke stayed on base or had he stayed at a hotel at the taxpayers' expense or had he been traveling to or from his post—his training—the family would receive these benefits. In fact, the Guard has a policy that if a guardsman lives within so many miles of the post, he or she cannot stay on the post, they have to go home. They don't have arrangements for a person to stay there. They want the person to go home. This saves the government money by not putting people up in a hotel or whatever else they may have to do. When a person is on a National Guard training weekend, as Captain Luke was, that person is under orders for 48 continuous hours. Wherever they are sleeping, wherever they are traveling, whatever they are doing, they are on orders; they are on duty.

Captain Luke was on duty when he died. In fact, if his colonel had called him at 1 o'clock in the morning and said get over here, we need your help on something, he would have had to go over there. He was on duty. He was on orders. He would have done that. In fact, he would have gladly stayed on the post had they had provisions for him to do that, but it worked out in this case that he was able, because he lived so close, to stay with his wife and family.

Also, let me say this: Had he been on orders and gotten out—which, of course, would never have happened to him—but had a soldier like him gotten out and had he done something such as had a DUI that night, that soldier would have been subject to the code of military justice because he was on orders. But, nonetheless, Captain Luke died when he was on orders, and now the Pentagon is trying to deny him his death benefits.

What my amendment does is clarify congressional intent to ensure that servicemembers who live in the area or in the vicinity of their training site can return home to their families in the evening without losing benefits. Again, they are on orders; they remain on orders. This doesn't change anything along those lines; it just clarifies congressional intent. This is a gray area. We are trying to clarify the congressional intent.

This amendment will not bring back the Luke children's father and their mother's husband, but it will give them the benefits to which they are entitled.

I think we can do better for our soldiers' families. When we look at Miranda, Miller, Macklin, Larkin, and Landis Luke in this photograph, we know that this is a very patriotic family and this is a group of people who should be compensated for his loss.

Abraham Lincoln once said: “To care for him who shall have borne the battle and for his widow, and his orphan,” and those words apply in this instance. Captain Luke was serving his country

to the fullest and his family should be granted the benefits associated with the death of a servicemember.

I am fighting on behalf of Captain Luke and his family and for others in a similarly situated circumstance to clarify that when a person is on orders when they are doing their National Guard training, they are entitled to death benefits wherever they happen to be laying their head at that particular time.

One last word on this. We don't know exactly how much this will cost, but it will not be very much money.

Someone estimated—I do not think it is an official CBO score, but someone estimated it would probably cost \$1 million—that is with an “m”—over 10 years. This is budget dust. This is so small, it is almost laughable, but it is so meaningful to this family and maybe others who in the future will find themselves in this situation.

So I would like to ask my colleagues to consider supporting the Pryor amendment. That is amendment No. 1151. I would love to work with the bill managers to see if we might get it into a managers' package and/or, if we have to, request a rollcall vote.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING OUR ARMED  
FORCES

COLONEL RANDALL L. KOEHLMOOS

Mr. JOHANNES. Mr. President, I rise today to honor a great American military leader from Nebraska, Colonel Randall L. Koehlmoos, U.S. Army.

Colonel Koehlmoos died in Jakarta, Indonesia, where he was the Chief of the Office of Defense Cooperation at our U.S. Embassy.

Officers in the U.S. Army have many roles. We most often recognize those who lead soldiers in combat. Others are assigned to protecting and promoting vital American interests throughout the world. During a notable career, Colonel Koehlmoos served with equal skill and commitment in both roles.

His life of public service began early when a high school art teacher invited him to attend a National Guard drill. Randy was hooked. After joining the Nebraska Army National Guard, he attended the University of Nebraska and earned an officer's commission through the ROTC program. He spent much of his early career with the famed 82nd Airborne Division, where he became a master parachutist with over 100 jumps. He led a platoon during the 1991 gulf war and later a company during NATO operations in Bosnia-Herzegovina.